

SENATE BILL 1322

By Berke

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 14, Part 2, relative to animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by
adding the following as a new section:

§ 39-13-215.

(a) As used in this section:

(1) "Animal" means any fowl, reptile, amphibian or mammal,
except human beings;

(2) "Fowl" means a bird of any kind;

(3) "Owner" means any person owning, keeping, possessing,
harboring, maintaining or having custody or otherwise having control of
an animal;

(4) "Wild animal" means any animal which is now or historically
has been found in the wild, or in the wild state. Any hybrid cross resulting
from the cross breeding between two (2) different species or types of
animals, including crosses between wild animal species and domestic
animals such as dog-wolf crosses, are considered wild animals; and

(5) "Wild state" means living in its original, natural condition; not
domesticated.

(b) It is an offense to knowingly display or offer for sale, trade, gift or
other transfer of ownership or to make a sale, trade, gift or otherwise transfer

ownership of any animal, including birds and reptiles, on or from any public street, roadway, right-of-way, sidewalk, or park.

(c) It is an offense for any person or organization, whether for profit, non-profit, charity or any other purpose, to knowingly offer an animal as a prize, premium, novelty or toy in response to participation in a game, contest, drawing of chance or any other similar event or to knowingly offer an animal for the purpose of promoting any business, sale activity or other promotional use.

(d)

(1) Subsection (b) shall not be construed as prohibiting:

(A) The sale, gift or other transfer of ownership of animals at activities or events that are regulated by other state or county agencies;

(B) The use of off-site signs or advertising, to the extent such signs or advertising are otherwise permitted; or

(C) The sale of animals, including birds and reptiles, at flea markets as defined in § 44-17-102, if sold in accordance with subsection (e).

(2) Subsection (c) shall not be construed to prohibit the sale of display of baby chickens or ducklings or rabbits in proper facilities that comply with the provisions of any sanitary code, or other rules and regulations of the board of health, by breeders and those engaged in the business of selling for commercial breeding and raising purposes.

(e)

(1) Any animal, including birds and reptiles, sold, or offered for sale, at a flea market as defined § 44-17-102, shall be:

(A) Properly vaccinated according to species to prevent the spread of communicable disease;

(B) Vaccinated for rabies according to §§ 68-8-101 through 113, if a dog or cat over four (4) months old and present at the flea market, whether offered for sale or not:

(C) At least eight (8) weeks of age;

(D) Provided with shade and have constant access to clean, fresh water; and

(E) Provided with proper ventilation and adequate space to fully stretch their limbs and turn around, if housed in a crate, box, kennel or any other structure meant to temporarily contain the animal while on display.

(2) Any person selling, or offering for sale, any animal, including birds and reptiles shall:

(A) Provide every buyer with a receipt containing the name of the seller, the seller's address and phone number, the purchase price and the name of the breeder, if different from the seller; and

(B) Have a valid sales tax registration number and be in good standing with the Tennessee department of revenue, if the person sells animals more than twice annually.

(3) This subsection does not apply to an event primarily for the sale of agricultural livestock such as hooved animals or animals or fowl commonly raised for food, dairy, or fiber products,

(f)

(1) A violation of subsection (b) or (c) is a Class B misdemeanor punishable by fine only of not more than three hundred dollars (\$300).

(2) Each day this section is violated constitutes a separate offense.

SECTION 2. Tennessee Code Annotated, Section 39-14-204, is amended by deleting the section in its entirety.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.